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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,607	04/05/2001	Sanjay Pujare	OMNI0005	4038
22918	7590	11/30/2005	EXAMINER	
PERKINS COIE LLP P.O. BOX 2168 MENLO PARK, CA 94026			SHIN, KYUNG H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/826,607

Applicant(s)

PUJARE, SANJAY

Examiner

Kyung H. Shin

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-52 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is responding to application RCE dated 8/29/2005.
2. Claims **1 - 52** are pending. Claims **1, 7, 13, 14, 20, 27, 39, 40, 52** are amended.
Independent claims are **1, 14, 27, 40**.

Response to Arguments

3. Applicant's arguments with respect to claims 1-52 have been considered but are moot in view of the new ground(s) of rejection.

Response to Remarks

- 3.1 Applicant argues that the referenced prior art does not disclose “... *streaming technology to the target client made possible by spoofing or deceiving the client based on the information gathered earlier by monitoring of installation procedures on the mock client ...*” (see Remarks Page 15, Lines 9-11)

By definition, “to spoof” *simulates a communications protocol (i.e. update registry information concerning application installation) by a program that is interjected into a normal sequence of processes (i.e. to client, spoof appears as a normal installation of application and is transparent to client) for the purpose of adding some useful function.*

(1. http://searchsecurity.techtarget.com/sDefinition/0,,sid14_gci213039,00.html)

)

The Eylon (6,374,402) prior art discloses the capability to process a application file transfer utilizing the well known in the art streaming file delivery mechanism. (see Eylon col. 3, lines 52-56; col. 4, lines 51-56: steamed application delivery) In addition, the Eylon (6,574,618) and Schmeidler (6,374,402) prior art combination discloses the capability to redirect (i.e. spoof, deceive) registry information during the installation processing. (see Schmeidler col. 4, lines 43-46; col. 4, lines 54-59; col. 11, lines 44-46: manipulation of registry information (i.e. redirect, spoof) during installation process)

Streaming is a delivery mechanism for the transfer of a file (i.e. an application program) between two network connected systems and is not a new or novel technology, but merely a file delivery mechanism. An application program exists as a file within the server system before its transfer to a client. The principal difference between streaming transfer method and "normal" file transfer method is the capability to utilize the transferred information before the file transfer process is completed.

Applicant's invention has two principal features: a) streamed transfer and execution of an application file, and b) capability for monitoring and storage of installation information. (see Eylon col. 4, lines 51-56; col. 8, lines 49-53; see Schmeidler col. 2, lines 15-18; col. 19, lines 59-61; col. 17, lines 45-46; see Cheng col. 3, lines 11-13; col. 8, lines 62-66; col. 10, lines 26-32: application

file delivery, monitoring and storage (i.e. database) capability)

The Cheng (6,457,076) prior is an analogous art concerning application program file transfer plus monitoring and storage of application file installation information. The only difference is the file delivery mechanism. Dependent claims 7, 20, 33, 46 do not mention streaming file delivery capability, but, only mentions the capability for a user interface which is utilized for the manipulation of installation information. The Eylon (6,374,402) and Cheng (6,457,076) prior art combination discloses a user interface capability for installation procedures. (see Cheng col. 9, lines 32-42: user interface)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1 - 6, 8 - 19, 21 - 32, 34 - 45, 47 - 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Eylon et al.** (US Patent No. 6,574,618) in view of **Schmeidler et al.** (US Patent No. 6,374,402).

Regarding Claims 1, 14, 27, 40, Eylon discloses a process, apparatus, method for converting a conventionally coded computer application program into a data set suitable

for streamed delivery across a network from a server and concurrent execution on a client in a computer environment, comprising the steps of:

- a) providing installation monitoring means for monitoring an installation process of said conventionally coded application program on a local computer system; (see Eylon col. 3, lines 45-50: server; col. 3, lines 52-56; col. 4, lines 51-56: streamed application ; col. 8, lines 49-53: monitor and management, streamed application installation on local system)

Eylon discloses wherein said installation monitoring means gathers modification information (see Eylon col. 8, lines 49-53: application manager monitors installation process; col. 7, lines 52-55: database for storage of gathered information), and providing data set creation means for processing said modification information for converting said application program into a data set suitable for streaming bits of said data set over said network to said client (see Eylon col. 3, lines 52-56; col. 4, lines 51-56: streamed application) such that said application program is capable of beginning execution on said client prior to downloading all of said application program (see Eylon col. 3, lines 52-56: initiate execution after fraction of application loaded(i.e. before entire application downloaded)) Eylon does not specifically disclose the capability of redirecting registry information thereby creating a registry spoofer capability. However, Schmeidler discloses:

- b) wherein including system registry modifications that said installation process makes to certain file paths in a system registry of said local computer system; (see

Schmeidler col. 4, lines 43-46; col. 4, lines 54-59; col. 11, lines 44-46:

manipulation of registry information during installation process)

- c) deceiving said client based on said gathered modification information by replacing certain of said file paths in said system registry modifications to re-direct requests for reading said system registry to a registry spoofer; (see Schmeidler col. 4, lines 43-46; col. 4, lines 54-59: redirection of registry installation information (i.e. client, registry spoofer))and
- d) deceiving said client into allowing streaming bits of said data set (see Schmeidler col. 4, lines 43-46; col. 4, lines 54-59: redirection of registry installation information (i.e. client, registry spoofer))

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eylon to enable redirection of registry entry information retrieval for redirection processing as taught by Schmeidler. One of ordinary skill in the art would be motivated to employ Schmeidler in order to enable the capability for security and preventing unauthorized use of executable software within a network environment. (see **Schmeidler** col. 2, lines 15-22: “ ... *method and system for on-demand delivery of executable software content ... method and system to deliver content to subscriber's in an on-demand basis which provides security to protect the value of the content and which prevents unauthorized use and copying thereof ...* ”)

Regarding Claims 2, 15, 28, 41, Eylon discloses the process, apparatus, method of claims 1, 14, 27, 40, wherein said data set creation means creates a runtime data set,

said runtime data set consists of all regular application files and directories containing information about said regular application files. (see Eylon col. 3, lines 52-56; col. 4, lines 51-56: streamed application; col. 4, lines 42-50; col. 5, lines 53-64; col. 9, lines 46-49: initialization information setup)

Regarding Claims 3, 16, 29, 42, Eylon discloses the process, apparatus, method of claims 2, 15, 28, 41, wherein said data set creation means creates an initialization data set that is the first set of data streamed from said server to said client, said initialization data set prepares said client for streaming of said runtime data set. (see Eylon col. 3, lines 52-56; col. 4, lines 51-56: streamed application; col. 4, lines 42-50; col. 5, lines 53-64; col. 9, lines 46-49: initialization information setup)

Regarding Claims 4, 17, 30, 43, Eylon discloses the process, apparatus, method of claims 2, 15, 28, 41, wherein said directories contain lists of file names, file numbers, and the metadata associated with the files in a particular directory. (see Eylon col. 9, lines 46-49: file information (i.e. file numbers, list of files), directories, environment setting data (i.e. metadata) concerning installation)

Regarding Claims 5, 18, 31, 44, Eylon discloses the process, apparatus, method of claims 1, 14, 27, 40, wherein said data set creation means creates a versioning table that contains a list of root file numbers and version numbers for tracking application patches and upgrades, and wherein each entry in said versioning table corresponds to

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one patch level of an application with a corresponding new root directory. (see Eylon col. 4, lines 57-62; col. 14, lines 14-16; col. 2, lines 26-33: versioning information (i.e. versioning table, specific patch level) manipulated during installation)

Regarding Claims 6, 19, 32, 45, Eylon discloses the process, apparatus, method of claims 5, 18, 31, 44, wherein said versioning table is sent to said client by said server, said client compares said versioning table with said client's root file number for the particular application program to find the necessary files required for a software upgrade or patch. (see Eylon col. 14, lines 14-16: version control techniques; col. 9, lines 29-34; col. 9, lines 38-46: initialization (i.e. version control) information sent from server to client, application manager initiated to check application specific information)

Regarding Claims 8, 21, 34, 47, Eylon discloses the process, apparatus, method of claims 1, 14, 27, 40, wherein said installation monitoring means monitors said application program as it runs (see Eylon col. 8, lines 49-53: application manager monitors installation process) and is being configured for a particular working environment on said local computer system and records common configurations of said application program thereby allowing said common configurations to be automatically duplicated on other client machines. (see Eylon col. 7, lines 52-55: database to record application configuration data and installation file information stored such that setup can be duplicated on multiple machines)

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Regarding Claims 9, 22, 35, 48, Eylon discloses the process, apparatus, method of claims 1, 14, 27, 40, further comprising the step of: program profiling means for capturing the sequence of file blocks being accessed during normal execution of said application program. (see Eylon col. 4, lines 37-42: application program profile information for later optimization of processing)

Regarding Claims 10, 23, 36, 49, Eylon discloses the process, apparatus, method of claims 9, 22, 35, 48, wherein said sequence of file blocks is used to pre-cache frequently used blocks on said client before said application program is first used by a user. (see Eylon col. 4, lines 42-50: cache utilized)

Regarding Claims 11, 24, 37, 50, Eylon discloses the process, apparatus, method of claims 9, 22, 35, 48, wherein said sequence of file blocks is used to optimize large directories of files on said client for faster file accesses. (see Eylon col. 3, lines 52-56: pre-load data to optimize file access)

Regarding Claims 12, 25, 38, 51, Eylon discloses the process, apparatus, method of claims 9, 22, 35, 48, wherein said sequence of file blocks is tied to specific user input and wherein said client pre-fetches file blocks based on user input to said application program. (see Eylon col. 5, line 65 - col. 6, line 3: pre-loads file blocks)

Regarding Claims 13, 26, 39, 52, Eylon discloses the process, apparatus, method of

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claims 1, 14, 27, 40, wherein said installation monitoring means records a state of said local computer system before said installation process begins to give a more accurate picture of any modifications that are observed by said installation monitoring means. (see Eylon col. 7, lines 52-55: database for application configuration data, installation file information stored such that setup can be duplicated on multiple machines)

5. **Claims 7, 20, 33, 46** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Eylon-Schmeidler** as applied to claims 1, 14, 27, 40 above, and further in view of **Cheng et al.** (US Patent No. 6,457,076).

Regarding Claims 7, 20, 33, 46, Eylon discloses a user interface for monitor and management application installation. (see Eylon col. 8, lines 49-53: application manager, monitor and management of installation process) In addition, Cheng discloses the process, apparatus, method of claims 1, 14, 27, 40, further comprising the step of: providing a user interface that allows an operator to examine all changes made to said local computer system during said installation process and to edit said modification information. (see Cheng col. 9, lines 32-42: where GUI to examine installation data)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eylon to enable a user interface for the examination of installation modifications as taught by Cheng. One of ordinary skill in the art would be

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motivated to employ Cheng in order to efficiently enable an automatic update and usage of diverse software products for multiple clients within a network environment. (see Cheng col. 1, lines 11-15: “ ... *systems and methods for computer-based customer support ... systems, methods, and to products for automatically updating software products from diverse software vendors on a plurality of end-user, client computer systems ...* ”)

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

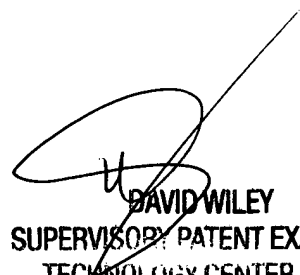
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Kyung H Shin
Patent Examiner
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November 26, 2005



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